

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM WITKOWSKI,

Defendant.

NO. CR16-5311BHS

ORDER GRANTING JOINT MOTION
TO CONTINUE TRIAL DATE AND
PRETRIAL MOTIONS DATE

This matter comes before the Court on the Joint Motion to Continue Trial Date and Pretrial Motions Date. The Court, having considered the joint motion and being familiar with the file, makes the following findings of fact and conclusions of law:

1. The Defendant is in Washington State custody and is awaiting resolution of state court matters, including an interlocutory appeal and subsequent trial in Pierce County Superior Court cause number 15-1-04375-9.
2. Defendant's state custody, and his necessary preparation for his state matter with different counsel, hampers his ability to prepare for his federal trial in this matter.
3. The outcome of that state matter may affect the pending federal charges.
4. Any period of delay resulting from other proceedings concerning the defendant, including but not limited to delay resulting from trial with

1 respect to other charges against the defendant, and delay resulting from
2 any interlocutory appeal, constitutes excludable time under the Speedy
3 Trial Act. 18 U.S.C. § 3161(h)(1)(B) and (C).

- 4 5. Taking into account the exercise of due diligence, a continuance is
5 necessary to allow the defense the reasonable time for effective
6 preparation and to ensure continuity of counsel. 18 U.S.C. §
7 3161(h)(7)(A) and (B)(iv).

8 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date is
9 continued from October 10, 2017 to February 13, 2018, at 9:00 a.m. The resulting
10 period of delay from August 18, 2017 to February 13, 2018, is hereby excluded for
11 speedy trial purposes under 18 U.S.C. §§ 3161(h)(1)(B), 3161(h)(1)(C), and
12 3161(h)(7)(A) and (B)(iv).

13 Pretrial motions are due no later than January 3, 2018. Pretrial conference
14 is set for February 5, 2018 at 9:00 a.m.

15 DATED this 23rd day of August, 2017.

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BENJAMIN H. SETTLE
United States District Judge

Submitted by:

s/Gregory A. Gruber
GREGORY A. GRUBER
Assistant United States Attorney